

Article VI GENERAL PROVISIONS

Sec. 1. Reimbursements and payments. Any reimbursements received by an agency of the State for authorized services rendered to any other agency of the State Government, and any payments to an agency of the State Government made in settlement of a claim for damages, are hereby appropriated to the agency of the State receiving such reimbursements and payments for use during the fiscal year in which they are received.

The reimbursements and payments received shall be credited by the Comptroller to the agency's current appropriation items or accounts from which the expenditures of like character were originally made, or in the case of damage settlements to the appropriation items or accounts from which repairs or replacements are made.

Sec. 2. Governor may apportion funds. In order that the rate of expenditure of State moneys may be brought into reasonable conformity with the rate of income, and in order to avoid temporary deficits in the General Revenue Fund, the expenditures of funds appropriated by Articles II, III, IV and V of this Act are hereby made subject to the submission of operating budget to the Governor should he choose to require them. At his discretion, said operating budgets may be limited to a designated quarter or to a designated half of any fiscal year in the biennium beginning September 1, 1953.

Should the Governor find it necessary and desirable to require the submission of operating budgets for the purposes described by this Section, the expenditure of any of the appropriations authorized by Articles II, III, IV, and V of this Act are further made subject to the Governor's advance written approval of said operating budgets.

In granting such advance, written approval the Governor may require the

General Provisions (Continued)

apportionment of appropriated moneys from the funds designated by this Act in a manner that will equalize the rates of expenditure with the rates of income.

It is further provided that in carrying out any lawful activity, no State agency shall incur an obligation in excess of the amount appropriated for such activity.

Sec. 3. Transfers for civil defense. In the event of war declared by the Congress of the United States and in order to permit the diversion of sufficient moneys appropriated otherwise in this Act for meeting the emergency needs of citizens of this State resulting from such a war, the Governor is hereby authorized to transfer moneys from any part of unobligated balances in any item or items appropriated by this Act for capital outlay, equipment, and new construction, to the appropriation account for the civil defense and disaster relief program of this State.

Such transfers shall be made by the State Comptroller upon the Governor's authorization, after notification to the State agency or agencies affected by such transfers.

The amounts of any such transfers, the name of the agency or agencies from which such appropriation transfers were made, and the objects and purposes for which such transferred amounts were expended in the civil defense and disaster relief program, are to be detained in the Governor's message to the next session of the Legislature.

Sec. 4. Political aid and legislative influence prohibited. None of the moneys appropriated by this Act, regardless of their source or character, shall be used for influencing the outcome of any election, or the passage or

General Provisions (Continued)

defeat of any legislative measure. This prohibition, however, shall not be construed to prevent any official or employee of the State from furnishing to any member of the Legislature, or to any other State official or employee, or to any citizen, any information or facts pertinent to the official duties and responsibilities of the State agency he represents.

No employee of any State agency shall use any State-owned automobile except on official business of the State, and such employees are expressly prohibited from using such automobiles in connection with any political campaign.

Any employee who violates any of the provisions of this section shall be dismissed immediately from any employment by the State.

The head or heads of each agency of the State shall furnish each employee of such agency with a copy of the three paragraphs immediately preceding this one, and shall take a receipt therefor from each employee. The receipts shall at all times be kept accessible for public inspection. The failure of a head of any agency of the State to comply with this paragraph constitutes malfeasance in office, and upon judgment so adjudicating such agency head shall be removed from office.

Sec. 5. Other employment policies, It is further provided that moneys appropriated for salaries and wages in this Act shall be expended in accordance with the following stipulations and restrictions.

a. Office hours of State agencies will be from 8:00 a. m. to 5:00 p. m., Monday through Friday of each week except for holidays authorized in this Act. The responsible executive head will arrange for the State headquarters office of each agency to be open on each Saturday from 8:00 a. m. to 12:00

General Provisions (Continued)

noon with an administrative assistant on duty in order to carry out any business of the agency. Regular employees of the State shall work 44 hours a week excepting official holidays. It is further provided that exceptions to the minimum length of the work week may be made by the operating head of a State agency for house parents and other employees whose duties require them to reside in a State hospital or institution; for guards, firemen, and other employees whose services are required for longer periods in the public interest; and pursuant to Article II, Section 8b of this Act.

b. Holidays for State employees shall be those specified by Articles 4591 and 4591(d), Rev. Civ. Stat. of Tex.; those proclaimed by the Governor; and the head of each agency of the State is authorized to provide additionally not more than four working days for a Christmas holiday for each employee. Such Christmas holidays must be so arranged, however, that no agency of the State shall remain closed to the public use and benefit for more than two consecutive normal working days during the Christmas season. Such additional holidays shall be announced to the general public at least one week before the same.

When a holiday defined by Article 4591 and 4591(d), Rev. Civ. Stat. of Tex. falls on a Sunday, the following Monday shall be deemed to be the holiday.

Any employee who is required to work on any of the holidays mentioned in this sub-section b, and who does work on any of the said holidays, shall be entitled to compensating time off to be taken on such days as may be mutually agreed upon by the employee and his supervisor.

Legal holidays and Christmas holidays to be observed by institutions of higher education shall be equivalent to those specified in subsection 5 b hereof,

General Provisions (Continued)

except that the governing boards of the various educational institutions may adjust the actual observance of such holidays as will permit efficient academic schedules.

Hourly wage workers continuously employed for six (6) months or longer may receive the same Holidays, with pay, as that given employees on regular monthly basis.

c. Annual employees of the State shall, without deduction in salary, be entitled to a vacation that is equivalent to one working day for each month of service, not to exceed a total vacation of 88 normal working hours in any fiscal year. Any unused vacation entitlement earned in any one fiscal year may be used only during the following fiscal year. No employee shall be allowed any paid vacation entitlement until he has had continuous employment with the State for six months.

In computing vacation time taken, time during which any employee is excused from work because of holidays shall not be charged against the employee's vacation entitlement.

If a State employee transfers directly from one State agency to another, he shall be entitled to credit with the newly employing agency for his accumulated but unused vacation entitlement provided that his employment with the State is uninterrupted.

d. Sick leave with full pay for regular employees of the State may be allowed at the rate of 12 hours per month of continuous employment, and accrued amounts of sick leave may be carried forward for a maximum period of two years of continuous employment. The use of sick leave privileges shall be governed by the following provisions and restrictions:

General Provisions (Continued)

An employee is not entitled to take sick leave with pay except when actually ill. Malingering and other abuses of sick leave privileges shall constitute grounds for dismissal from employment by the State. Accumulated sick leave shall not constitute a claim for reimbursement when an employee leaves the employment of the State.

An employee who must be absent from duty because of illness shall notify his supervisor or cause his supervisor to be notified of that fact at the earliest practicable time.

To be eligible for accumulated sick leave with pay during a continuous period of more than three working days, an employee absent due to illness shall send to the administrative head of his employing agency a doctor's certificate showing the cause or nature of the illness, or some other written statement of the facts concerning the illness which is acceptable to such administrative head.

Upon returning to duty after sick leave, an employee shall immediately complete sick leave application forms to be designed by the employing agency with the approval of the State Auditor. Approved applications for sick leave shall be filed in the employing agency's personnel files.

Exceptions to the amount of sick leave an employee may take may be authorized by the administrative head or heads of any agency of the State provided such exceptions are authorized on an individual basis after a review of the merits of each particular case. A statement of any such authorized exceptions and the reasons for them shall be attached to the State agency's duplicate payroll voucher for the payroll period affected by such authorized exceptions.

General Provisions (Continued)

Provided, however, that the foregoing provisions regarding sick leave shall not apply to State institutions of higher education which have established rules in effect prior to the adoption of this Act for sick leave for the non-academic and academic staffs of such institutions and such sick leave policies may continue to be established by the governing boards of such institutions.

e. All annual salaries appropriated by this Act shall be paid in twelve equal monthly installments, except as otherwise provided in Article II of this Act. However, this paragraph shall not be construed so as to prevent the head of any agency of the State from paying less than the maximum salary rates specified in this Act, or the employment of part-time employees to fill any regular position provided for in this Act so long as the salary rates for such part-time employees are proportional to the regular rate for full-time employment.

It is further provided that agencies of higher education which make contracts for less than a twelve-month period may pay salaries in equal monthly payments for the period contracted for.

f. None of the funds appropriated in this Act for travel expense, for other operating expenses or general operating expenses, for equipment, for maintenance and miscellaneous, or for contingent expenses, or for any other purpose, may be used for paying any salaries and wages unless the language of such appropriation items explicitly authorizes such use. The provisions of this paragraph shall not apply to appropriations made for agencies of higher education.

In those instances where the language of such appropriation items does explicitly authorize the use of funds for paying salaries and wages, such em-

General Provisions (Continued)

employees shall not be paid a larger amount than that provided in the regular appropriated salary items for similar positions in such agency of the State. In the event there are no similar positions within such agency, then such employees shall not be paid a larger amount than that provided for similar work or ~~positions~~ elsewhere in the State Government. In the event common laborers, skilled laborers, and mechanics cannot be obtained at the salary rates indicated in this paragraph, then the head of such agency of the State may pay for temporary employment only at rates not exceeding the prevailing wage scale paid in the locality where the temporary service is to be rendered.

Sec. 6. Alcoholic beverages. None of the moneys appropriated under this Act shall be used for the payment of salaries to any employee who uses alcoholic beverages while on active duty.

Sec. 7. Publicity of individuals restricted. None of the moneys appropriated under this Act shall be used by any agency of the State Government for the purpose of publicizing or directing attention to any individual official or employee of any agency of the State Government.

It is further provided that none of the moneys appropriated under this Act shall be used by any agency of the State Government for maintaining any publicity office or department, or for the employment of any person who has the title or the duties of a public relations agent, publicity agent, or press agent, or for paying any public relations firm or agent.

The policy and restrictions set out in this Section shall not be interpreted to prevent the head of any agency of the State, when he ~~deems~~ ^{thinks} it necessary or desirable in the public interest, to issue through any of such agency's officials or employees any statement or information respecting the work, legal responsi-

General Provisions (Continued)

bilities, or activities of such agency. Such statements shall be issued, or such information imparted, in the name of the agency of the State but shall be issued under or have attached thereto the name of the official or employee authorized to issue the same.

It is also provided that any agency of higher education may continue to maintain and operate a news and information service for the benefit of the public which has been specifically authorized and approved by the Governing Board of such agency of higher education.

General Provisions (Continued)

Sec. 8. Travel Expenses.

a. These provisions with exceptions shall apply to all officers and employees who are reimbursed for traveling expenses from money appropriated in this act.

The amounts herein appropriated for the payment of traveling expenses of the agencies are intended to be the maximum amounts that shall be paid by the State as reimbursement of travel expenses of State employees. The agency heads are charged with the responsibility of planning the activities of their offices so that all travel expense shall be paid in full as long as the certified expense accounts are within the maximum herein prescribed.

b. Unless otherwise provided by law, officers and employees traveling in the performance of their official duties shall not accept any sums of money for wages or expenses, while performing their duties, from any corporation, firms or persons being audited, examined, inspected or investigated, and must receive their traveling expenses from the amounts appropriated in these acts. The Comptroller is hereby prohibited to pay the salary of any employee of the State who violates these provisions.

c. No travel expenses shall be incurred by an officer or employee of any of the agencies of the government, outside of the boundaries of the State of Texas, except for State business and no such expenses shall be paid from State appropriations or out of any local or auxiliary funds by the State Comptroller to an employee of any agency of the government until and unless a written statement, signed by the Attorney General, advising that the purpose of the proposed trip in his opinion, is for said State business purposes; which written opinion shall have been filed with

General Provisions (Continued)

the disbursing officer of such respective agency of the government. This provision shall not apply to trips to Washington, D. C., made by the Attorney General's Department, before the United States Supreme Court and certain Federal Commissions and Boards, nor to the Adjutant General when appearing in Washington, D. C., before the War Department, nor to members or employees of the Railroad Commission attending hearings or oral arguments held before courts or government commissions in other states or Washington, D. C., and involving rates and/or transportation matters, nor to members of the State Highway Commission and the Executive Officer when attending hearings or consulting government agencies in Washington, D. C., nor to the State Health Officer when appearing at the call of the Surgeon General of the United States Public Health Service in Washington, D. C., nor employees of the Governor's Office, and employees of other state departments designated by the Governor to represent him officially at governmental meetings or conferences, nor to members of the Legislative Budget Board and the Legislative Council when attending meetings called by the Council of State Governments, nor to out-of-state travel on official State business by officers and employees of the State agencies of higher education when such travel has been specifically authorized by the appropriate governing board. In no event shall more than three persons from any one agency be approved for travel to any one convention, organized gathering, or meeting of a similar nature.

d. Unless otherwise specifically provided by the Statutes, it is provided that any officer or employee who travels on official state business and who used a personally owned automobile while so doing shall be reimbursed for

General Provisions (Continued)

the use of said car on the basis of the total mileage traveled during any calendar month at the following rate: Six cents (6¢) per mile for the first thousand miles traveled and Five cents (5¢) per mile for each mile traveled in excess of one thousand (1,000) miles. Before the Comptroller shall issue any warrant for reimbursement, the said officer or employee shall file an affidavit with the Comptroller showing the point of origin and the town, place or point of destination of each trip and the mileage actually traveled between each town, place or point. This provision shall also apply to intra-city mileage. If the Comptroller is of the opinion that said officer or employee did not take the shortest practical route, he shall have the authority and it shall be his duty to compute the mileage of the shortest practical route between the point of origin and destination of each trip via immediate points visited, and he shall issue his warrant in reimbursement therefor on the basis of the above rate. The provisions of this subsection shall not apply to members of the Legislative Budget Board, members of the Legislative Council, or members of the Legislative Audit Committee, who shall be reimbursed for travel expenses incurred in the work of the Budget Board, Council or Audit Committee on the same basis as is provided in the Constitution for members of the Legislature; and it is further provided that the same mileage rates shall apply to necessary travel to points within the State other than the seat of government.

The formal presentation of original researches, by an employee of an educational institution, if before a national, regional or state learned society approved in advance by the administrative head of the school, shall be considered state business.

General Provisions (Continued)

e. Except as otherwise authorized by Statute, no State official or employee shall receive or use any passes or other franking privileges from any transportation agency, and any employee so offending shall be immediately discharged. The fact that any transportation agency knowingly extends passes or other franking privileges to any State employee shall constitute sufficient grounds upon which the right of said transportation agency to do business in this State can be forfeited, and the Attorney General is hereby directed to institute proper proceedings to cancel said right of any transportation agency so offending.

No appropriations in this act may be used to purchase railroad script books or similar forms of transportation, and hereafter all railroad and other transportation shall be paid in cash. The name of the transportation agency used and the cost of the ticket purchased shall be given, together with a signed receipt for the same. Tax exemption certificates for transportation shall be used in all cases where the State is exempt from payment of Federal tax, and such State official or employee shall be required to obtain such tax exemption certificate from the transportation company before incurring the expense and shall not be entitled to a refund of same on his expense account.

f. The Comptroller shall not pay, and no State officer or employee of any of the departments or other agencies of the government shall include in his travel expense account any amounts for meals and/or lodging incurred within the city or town where such officer or such employee is regularly stationed. Such employees as are stationed away from their main office or headquarters who are not allowed travel expenses where so stationed shall

General Provisions (Continued)

be allowed such expenses when called to their main office.

g. Where an official or employee uses his private car while traveling on State business, and another employee travels with him on the same or other State business, only the owner of the car shall be entitled to reimbursement for travel expenses. This shall not preclude both employees from receiving reimbursement for board and lodging.

h. It is the intention of the Legislature hereby not to require advance permission for legally authorized out-of-state trips of peace officers in the extradition and return of fugitives from justice and escaped prisoners, except as is provided by law.

i. Any State official or employee entitled to travel expenses out of State appropriations herein made, who is legally or officially required to be present at the trial of any State case, shall not claim travel expenses from the State and also from the court wherein said case is pending. If by oversight duplicate claims are filed for said travel expenses collected, then said officers or employees shall reimburse and refund to the State Treasurer an amount equal to the respective amount collected under such witness fees and mileage claim.

j. Expense accounts shall contain a concise statement of the duties performed, the names of the towns and points visited on State business, the times of arrival and departure for each town or point, the names of the persons contacted, and the purpose of such contact. Such words as "conference", "official business" and other general terms of expressions shall not be accepted by the Comptroller as filling the requirements of this subsection.

General Provisions (Continued)

The names of hotels, restaurants, etc., at which meals and lodging are procured shall be given in every case.

k. All officials and employees traveling at the expense of the State are hereby limited to the amount of Four Dollars (\$4) per day for meals and a total of Six Dollars (\$6) per day for meals and lodging, it being specifically provided that the employees shall obtain receipts for all items of expense claimed except meals, local telephone and taxi fare, and shall file such receipts with their daily itemized and sworn expense accounts; provided, however, the meals and lodging limitations as to amount imposed by this provision shall not apply to any elected State official, nor to any appointed State official, nor to any appointed State official whose appointment is subject to Senate confirmation, nor to the head of institutions named in this act, when traveling in or out of the State; nor to employees of the Governor's Office, and employees of other State Departments designated by the Governor to represent him officially at governmental meetings or conferences when held out of the State; nor to any Assistant Attorney General, or representative of the State Health Officer, or representatives of the Adjutant General, or representative of the State Board of Vocational Education, or representative of the Department of Public Welfare, or representative of the State Highway Commission or representative of the Railroad Commission when any of these classes of State employees are appearing before any Federal Agencies or agencies of other States in any other State or Washington, D. C.

Sec. 9. Passenger vehicles.

a. None of the moneys appropriated in this Act may be expended for the purchase of passenger cars or of airplanes designed for passenger trans-

General Provisions (Continued)

portation unless authority to do so is explicitly stated by the language of this Act. Moreover, none of the moneys appropriated in this Act may be expended for the maintenance or operation of any State-owned passenger car or airplane designed for passenger transportation unless the authority to do so, and the number of passenger cars or airplanes to be maintained and operated, are explicitly stated by the language of this Act.

Where the language of this Act explicitly authorized the maintenance and operation of a specified number of State-owned passenger cars by an agency of the State, such agency shall file with the Comptroller by Sept. 15, 1953 a list identifying the passenger cars to be maintained and operated; and none of the funds appropriated by this Act shall be available to such agency for expenditure unless and until such list has been filed. The list also shall be amended and corrected by such agency from time to time as the identity of passenger cars being maintained and operated within the prescribed limitation changes during the biennium.

b. Only the following passenger-carrying vehicles are exempt from the restrictions on purchase, maintenance and operation specified in this section: panel, pick-up and delivery trucks and trucks required for the conveyance of special equipment; motorcycle delivery units; dual-control automobiles used exclusively for driver training; passenger cars equipped with two-way radios, motorcycles, jeeps, and boats needed, and used for fire prevention, fire-fighting and other activities for safeguarding public safety, public property, or for criminal law enforcement; ambulances or other passenger vehicles specially equipped and regularly used for ambulance services; buses and station-wagons regularly used for the mass transportation

General Provisions (Continued)

of numbers of people and essential to the efficient management of the operating agency of the State.

c. In those instances where the language of this Act explicitly authorizes the purchase of passenger cars, none of the appropriated funds so authorized shall be expended for the purchase of a passenger car having a wheel base in excess of 117 inches; provided, however, that if passenger cars of longer wheel base are offered at lower prices, the Board of Control may purchase same.

Sec. 10. Federal surplus property. In order to conserve the moneys appropriated by this Act, the Board of Control, and the Governing Boards of the State institutions of higher learning either acting directly or through the Board of Control or through any other State agency in behalf of their respective institutions, are hereby authorized to negotiate purchases of commodities and supplies of any kind or character whatsoever needed by any State agency with the duly authorized agencies of the Federal Government. However, any such commodities or supplies so purchased shall be obtained at a price not to exceed the prevailing market value thereof, and if there be no market value then at the real or intrinsic value.

It is further provided that the State Board of Control and the Governing Boards of the State institutions of higher learning are authorized to waive the requirement of bidder's bond and performance bonds, otherwise required, in negotiating such purchases with the duly authorized representatives of the Federal Government.

General Provisions (Continued)

Sec. 11. Federal contracts and agreements. When an agency of the State government has entered into a contract or agreement with the Federal Government, such State agency shall file a copy of such contract or agreement with the Secretary of State for recording. Such State agency shall not encumber or expend any Federal funds received through such contracts or agreements until said copy is filed with the Secretary of State. Provided, however, that copies of research contracts classified in the interest of National security shall not be filed, but in lieu thereof a statement that such a contract has been made shall be filed.

Sec. 12. Federal funds appropriated for use. Any funds received by the agencies of the State named in this Act from the United States Government are hereby appropriated to such agencies for the purposes for which the federal grant, allocation, aid, or payment was made, subject to the provisions of this act.

Sec. 13. Interpretation of estimates. In the event the amounts of federal funds, local funds, or funds other than appropriations from the General Revenue Fund, have been estimated in this Act in sums greater than are actually received by the respective agencies of the State, this Act shall not be construed as appropriating additional funds from General Revenue to make up such differences wherever the language of this Act appropriates all receipts and balances from a specified source but uses an estimated amount to inform the Legislature and the public, the estimated figure is not to be construed as a limitation on the amount appropriated.

Sec. 14. Salary payment withholdings and deductions. The disbursement of moneys appropriated in this Act for salaries and wages shall be subject to the provisions of Public Law No 68, 78th Congress, known as the Current Tax Payment Act of 1943, and any amendments thereto. The officers and employees of agencies for which appropriations are made in this Act also are authorized to make retirement deductions in accordance with the Teachers Retirement or Employees Retirement or Judiciary Retirement acts on payroll forms prescribed by the State Comptroller, and the Comptroller is directed to issue warrants accordingly.

Sec. 15. Purchases of Postage. None of the moneys appropriated in this Act shall be expended for postage stamps or post office box rent except on vouchers made payable to a United States Post Office, and the warrant or check shall be endorsed by the Postmaster from whom the purchase is made.

If the expenditures for postage by any agency, other than an agency of higher education, exceed \$500 for any one year, such agency shall install a postage meter machine and have all purchases of postage recorded on that postage meter machine, excepting purchases of stamps for field offices or traveling employees. The installation cost and rental of the postage meter machine shall be paid from appropriations itemized in this Act for general operating, other operating, maintenance, miscellaneous, or contingent expenses.

Sec. 16. Rented machines and equipment. None of the moneys appropriated under this Act shall be used for the rental of office machines or any equipment of any kind without first having presented a requisition for the rental thereof to the Board of Control and secured that Board's written approval, and the State Comptroller or any local disbursing officer shall not

General Provisions (Continued)

issued warrants or checks in payment of said rental without that Board's written approval. None of the moneys appropriated under this Act shall be paid to any seller who delivers any used or rented equipment in fulfillment of an order for new machines or new equipment, even though said machines or equipment have been used by the agency so desiring to purchase.

Sec. 17. Embossed or engraved printing. None of the moneys appropriated under this Act shall be used for the purchase of embossed or engraved printing and stationery, except for the Governor's Office and degrees or diplomas awarded by agencies of Higher Education.

Section 18. Cooperation for the general welfare. The departments and agencies of the State, when requested by the Governor, are authorized to use available moneys appropriated in this Act for the purpose of rendering all practical assistance to the Governor or to State departments and agencies designated by him in making surveys and investigations, in disseminating information and conducting research, concerning the advantages and capacities of the State with respect to industrial activities, or the production, processing, and use of farm and ranch products, or the utilization of natural resources, or the solution of the problems of small businesses, or the growth and development of rural and urban areas, or for such other purposes as will aid the economic growth and general welfare of the State.

Sec. 19. Transfer of surplus revenue from special cigarette tax. From and after Sept. 1, 1953, all receipts to the State Hospital Fund created by Article XIX (H. B. No. 3), Chapter 2, Acts of the 51st Legislature, First Called Session, and all moneys accruing to said fund on and after Sept. 1,

General Provisions (Continued)

1953 from any and all sources whatsoever, which are in excess over and above the Five Million (\$5,000,000) dollars a year appropriated to the State Hospitals and Special Schools Building fund and the Two Million One Hundred Thousand (\$2,100,000) appropriated for permanent facilities for the East Texas Tuberculosis Hospital at Tyler as specified in Article II of this Act, are hereby transferred to the General Revenue Fund.

Sec. 20. Audits. None of the appropriations herein made shall be used to employ any firm or person to audit the books of any department, board, commission, institution or State agency, this being the duty of the State Auditor; provided, however, that in any instances where the funds available to said State Auditor are not, in his judgment, sufficient for any requested or contemplated audit, the department head or heads having authority to disburse the appropriations herein made are hereby authorized to direct the State Comptroller to transfer from any appropriations to the appropriation herein made for the State Auditor the amount which in the judgment of the State Auditor is necessary for the purpose of making such audit.

Any amount so transferred to the State Auditor shall be used by him only for the actual costs of the specified audit, and any balances of such funds remaining at the end of any fiscal year are hereby reappropriated to the State Auditor for the purpose of completing the audit or audits for which the funds were transferred. On the completion of any such audits any excess funds remaining shall be transferred by the State Auditor back to the department, board, commission, institution or agency from which transferred.

General Provisions (Continued)

Sec. 21. Architectural Fees. Architectural fees paid from funds appropriated in this Act shall be governed by the following schedule and provisions:

(a) Schedule of Fees. The schedule of fees to be paid an architect or architects for all professional services as set out below, based on the total cost of the work, shall not exceed the following amounts:

(1) On multiple building projects where one building type is used in two or more locations within the same project, the fees to be paid shall not exceed the following amounts:

	<u>Cost of Project</u>	<u>Fee</u>
The first	\$200,000.00	5%
The next	300,000.00	4.5%
The next	500,000.00	4%
The next	1,000,000.00	3.7%
The next	1,000,000.00, and over	3.3%

(2) On individual projects and on multiple building projects not covered by Sec. 21 (a) (1) hereof, not to exceed six per cent.

(b) The maximum fees specified shall include the costs of all professional services rendered by any architect or architects, and the aggregate contract price for services rendered by the "consulting architect" and the "associate architect" shall never exceed the applicable fee limitation set forth in Sec. 22 (a) hereof.

(c) Architectural fees shall include:

- (1) The necessary conferences, and the preparation of preliminary studies;
- (2) The production of complete architectural, mechanical, and structural drawings, and specifications, including their proper correlation.
- (4) Any other architectural services.

(d) The architect shall supervise the construction of the work to such an

General Provisions (Continued)

extent as may be necessary to ascertain whether the work is being executed in conformity with his working drawings or specifications or directions; make recommendations on materials and equipment; check and report on contractors' proposals in connection with changes in the contract, and approve certificates of payment.

(e) The State will furnish the architect a limited consulting service consisting of a complete site survey, soil analysis, and a program of the work outlining in detail the space requirements, and their general arrangement, and the standards of types of construction.

(f) When continuous field supervision or a clerk-of-the-works is deemed necessary by the State, such supervisory personnel shall be furnished by the State subject to approval by the architect. Such supervisory personnel shall be employees of the State.

ARTICLE VII. SAVINGS CLAUSE

If any section, sentence, clause, or part of this Act shall for any reason be held to be invalid, such decision shall not affect the remaining portions of this Act, and it is hereby declared to be the intention of the Legislature to have passed each sentence, section, clause, or part thereof, irrespective of the fact that any other sentence, section, clause, or part thereof may be declared invalid.

ARTICLE VIII. EMERGENCY CLAUSE

The importance of this legislation to the people of the State of Texas, and the crowded condition of the calendars in both Houses of the Legislature, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be